



Town of Carlisle

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PLANNING BOARD

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Minutes Meeting of Jan. 9, 1995

Chair Colman opened the meeting at 8:10. Present were members Hengeveld, LaLiberte, Duscha and Evans. On a motion by Hengeveld, seconded by LaLiberte, the minutes of Dec. 12, 1994 were approved as written, with LaLiberte, Duscha, Hengeveld and Colman in favor and Evans abstaining. The minutes of Dec. 19, 1994 were not available. Bills were approved as presented.

Duscha mentioned that she has a summer volunteer available to the board, and asked board members to think about constructive uses for the volunteer.

Budget 96 In Yanofsky's absence, Colman led a discussion of her draft budget for the next fiscal year. Missing and needed were the actual expenditures for 1993-94 and an analysis of the request for an additional \$2000 for the planner consultant. Colman suggested the technical professional line item be separated, because as the board has not used it to the extent it has used the other line item (the balance of the budget), it skews the per cent of allocated monies spent. Bayne will try to determine the intent of the separate article called professional technical (there is also a budget category within the budget for legal/engineering); she will prepare a report to substantiate the request for additional planner consultant hours. On a motion by Evans, seconded by LaLiberte, the board voted 4 to 1 to support the budget as submitted by Yanofsky, specifying particularly the increase in hours for the planning consultant. Duscha abstained as she felt there was not yet enough detail in the proposal.

Title V Discussion Health chair Patrice Drew and Health technical consultant Dan Holzman presented a discussion of the Changes in Title V regulation which will be implemented on the state level this spring. In her introductory comments, Drew commented that all the easily developed land is developed; the land coming before boards now and in the future will be increasingly marginal in its capacities to sustain development. Therefore, she said, it will be even more important for boards to understand each other's function and to work together. She suggested joint meetings of boards or perhaps staff when a new substantial proposal is submitted. Holzman commented that the end product is better when boards have worked together on the review process. Duscha commented that although she agrees with the goal, the jurisdictions of the boards are not overlapping, and therefore the planning board, for instance, cannot even review areas which Health and ConsCom are responsible for. Holzman commented that he understood that, but he feels developers play the boards off against one another. He would hope to prevent that. Drew explained that the board now has five scattered monitoring wells which give them much

more finely tuned information than the USGS information on which they had formerly relied. Holzman mentioned that Title V's purpose is to protect groundwater, not to control development. Both commented that DEP has become more strict in dealing with variances for reuse; they are not automatically granted. Holzman guessed that 9 out of 10 septic applications now are situated in the wetland buffer zone. ConsCom is therefore concerned, and has commented that the problem appears to be compounded by larger systems than in former days. Holzman wanted Planning to know that these systems are not bigger in terms of pipes laid out, but that the more accurate water table data has resulted in more fill to offset the system from the water table, and more fill means a larger graded area, therefore a greater disturbed area.

The new Title V, Holzman commented, is encouraging of joint systems, primarily for failed system repair. It also approves new alternatives like composting toilets and recycling sand filter systems. He suggested the Planning Board look at new submissions to see how they work relative to ConsCom and Health issues. Drew revealed that, initially, at least, the Board of Health will allow joint systems only for SROSC, and will allow a maximum g.p.d. of 5000 per system, or the equivalent of 27 bedrooms. As to the concern raised during the discussion of the SROSC bylaw regarding Homeowners' Associations responsibility for these joint systems, Drew was pleased to be able to say that Title V will have specific requirements for the administration of these systems. She asked that the Planning Board review Health's new regs for these as they are developed this winter; she mentioned that she had given Bayne a letter of support from the Board of Health regarding the board's regs for SROSC special permits.

Public hearing: proposed subdivision regs regarding roads which cross town lines

The hearing, continued from Dec. 12, 1994, was opened at 9:10. Observing that one additional board member was expected to arrive around 10:30, and that no member of the public was present for the hearing, Colman allowed no board discussion, and continued the hearing until 10:45 that evening.

Ballantine common drive preliminary discussion John Ballantine of 1127 North Rd. discussed his application for an amendment to his existing common drive special permit with the board. Specifically, this is the unusual case of an existing common drive with an existing private drive off it, a portion of which private drive is proposed as an addition to the common driveway. As proposed, there will be no additional common drive construction, but lot lines have changed (by an Oct. 1994 ANR), and the common drive easement and homeowners' agreement will change. Ballantine wished to know how much of the usual data under the common drive regs the board wished to see in connection with this essentially paper transaction. He presented a draft plan showing existing and proposed common drive and private drives, the existing and proposed easement, and the new lot lines. The board asked that the length and width of existing and proposed common drives, and signatures of other homeowners in the association be added to the data submitted. The board also arranged a site walk on Jan. 15 at 9 am. to review the existing drive. The P.A. is to write a list of waivers which would be required if the proposed amendment is granted. The public hearing is scheduled for Jan. 23.

Tall Pines subdivision extension discussion Bill Costello told the board he would like to request the extension of his subdivision approval for Tall Pines. It is scheduled to expire on May 31, 1996. He expects to begin construction in fall of 1995 and would like to construct in a measured way, finishing in 1998. He does not plan to create a cash account or other monetary form of security, but plans to keep the restrictive covenant in place while he builds, asking for release of scattered lots as he completes homes and wishes to sell them. To protect the roads, curbs, shoulders and side slopes from home related construction damage, he would like to wait to place the binder coat and do appurtenant finish work until home construction is completely or substantially done. In order to accomplish all the above, he would like to extend the approval for 30-36 months. He feels the more common course, whereby the developer places a monetary form of security and may finish the road and ask for release of the bond before construction of homes is complete, leaves the town to deal with the condition of the road if it gets damaged by home building contractors, or to tell home owners they bear the responsibility for repair and maintenance until road acceptance. Although the P.A. believes the approval may have been automatically extended for the duration of the appeal to ConsCom's approval of the related wetland plan, which was approximately two years, Costello wishes to make it an official and overt extension. The P.A. will determine whether such automatic extension applies in this case, and will also research whether a public hearing is required for action on extension. The board asked whether the subdivision documents, which have been held in a bank strong box during the appeal, have yet been recorded; Costello replied he is in the process of doing that. Costello will also provide the board with a certificate of the order of recording of the documents, and will provide the recording data. Board member Chaput arrived during this discussion.

ANR, Swanson, Curve St. Hengeveld recused herself. Costello requested the board endorse an ANR plan showing the combining of a portion of parcel A on the Tall Pines subdivision plan with the lot belonging to John Swanson, 1056 Curve St. dated Dec. , 1994. The board discussed the two avenues for amendment of a subdivision plan, noting that where the road layout is changed, the board must hold a public hearing before acting on the proposal, but where only lot lines are changed, and the frontage remains adequate, the board may act on the applicant's request that the modification be made by the ANR process. Evans moved, and Chaput seconded, that the board, having reviewed the plan to assure it is commensurate with previous approvals granted by the planning board and is in the spirit thereof, endorse the plan. LaLiberte, Colman, Duscha, Evans and Chaput voted in favor.

ANR Tall Pines Subdivision Hengeveld recused herself. Costello presented an ANR plan showing the rearrangement of lot lines of 17 lots and parcels, the plan being dated Dec. , 1995. Again the board reviewed the plan to assure its conformity with the Tall Pines subdivision approval. At issue was whether the approval of Tall Pines subdivision included any conditions which would either have invalidated the subdivision because they have not been met, or would have proscribed further subdivision. Costello explained that the large parcels A and B, which are shown on the approved subdivision plan, had been limited by the ConsCom to one lot each. Therefore, he was

carving one lot each out of those parcels, and adding the remaining portions of those parcels to other lots, as he had done in the previously considered ANR.

The board felt that it would be in the public's best interest to add two statements to this plan: one would state that the plan shows roads which have been approved on the Tall Pines subdivision plan, and that this ANR does not change the approved road layout; the other would state that there is a restrictive covenant on the lots in the Tall Pines subdivision, and would give recording data. Evans moved, and Chaput seconded, that the board, having reviewed the ANR to assure it is commensurate with previous approvals by the Planning Board and is in the spirit thereof, endorse the plan. Colman, Chaput, Evans and LaLiberte voted in favor, Duscha abstained.

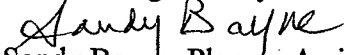
Public hearing on proposed Subdivision Reg amendments, continued Colman reopened the hearing at 10:45. There was no one from the public present. The board considered five letters in its discussion of the two regs. These were from Police Chief Galvin dated Dec. 12, 1994, from Highway Department head Gary Davis dated Dec. 12, 1994, from Fire Chief Bob Koning dated Jan. 5, 1995, from town counsel Elizabeth Lane dated Dec. 9, 1994, and from town counsel Judith Cutler, dated Oct. 22, 1991. LaLiberte, noting that all department heads are at least moderately concerned about the difficulties of servicing cul-de-sacs which are accessible only through another town, and noting that both town counsels feel our existing regs are adequate to allow us to deny such a subdivision, said he felt, on balance, these amendments would do no harm, and might help clarify the regs for future boards. Colman concurred, saying these amendments put developers and the public on notice very clearly and publicly, and therefore serve the public good. Chaput felt the regs were defensible from a public safety viewpoint. Evans also agreed, saying the staff letters highlight the limitations of the intertown agreements; he felt it desirable to err on the side of caution and safety. The discussion having concluded, Colman accepted a motion from Chaput, seconded by Evans, that the board adopt these regs as a substitute for the regulation numbered 4.A.1.a.(5) and passed August 22, 1994. That regulation has not been recorded. All members voted in favor.

The hearing was closed at 10:55.

SROSC Bayne will fax counsel Cutler's review of the regs to LaLiberte as soon as she receives it. He will incorporate the comments and Bayne's redraft of Section 5 before the meeting on Jan. 23, at which the board will make a final review.

Two Rod Road frontage and access issue The board instructed Bayne to determine whether Lane wished to add a disclaimer to the letter before Bayne makes it available to the public, and to question Lane whether the issue of frontage is the same as the issue of access, or whether there might be differing issues. If Lane replies they are different, Bayne is to request a second opinion from her as to access.

The meeting was adjourned at 11:20.


Sandy Bayne, Planner Assistant